

To the Honorable judge of said court,

United States Courts  
Southern District of Texas  
FILED

MAY 18 2020

David J. Bradley, Clerk of Court

United States District Court  
Southern District of Texas  
Houston Division

in the matter of:

Kenneth Robert Bruce, et al

versus

United States of America, et al

ref: cause number: 4:14-cr-0249

original

Application for writ of habeas corpus

along with

Bill in support of

Application for writ of habeas corpus

*Pauper Oath*

On this the 12<sup>th</sup> day of May, 2020, I, woman; Phuong-Bich: as wife and next friend to a man: Kenneth-Robert: of the brace-family; and whom makes home in Harris county, Texas; do now affirm that owing to my poverty, neither I, nor the man above, have sufficient funds or property to pay or provide security for the suit and writ begun by me on this day, and further believe that I, we, are duly and justly entitled to the redress sought therein.

so affirmed by,

Phuong-Bich

*Jurat*

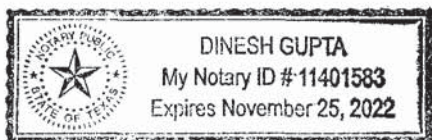
State of Texas }  
County of Harris } s. s.

On this the 12 day of May, 2020, before me, a duly authorized Notary Public for Texas, did appear and affirm to be the person whom subscribed the above instrument.

Notary seal:

Dinesh Gupta

Notary signature



*Application for Writ of habeas corpus*

I, man, as son, the eldest of an intestate decedent, originating of the Bruce family, and whom is without rank or legal title, and known only by private appellation, hereafter "son", now affirms the occurrence of harm and injury caused by mistaken identity that was assumed while under duress in the execution of a writ of attachment, and by fraudulent commission and misrepresentation in the issuance of same writ, and;

I, woman; Phung-Bich; now appearing as wife and as next friend to the son, hereafter as "petitioner" now brings this application for writ of habeas corpus for the restoration and return of the son, whom was confused with and mistaken for property of the defendant, and wrongfully attached in regard to the above captioned cause, and whom now remains in the possession of respondents, (some being the plaintiff in the above cause) or their delegates.

With regard to the above captioned cause number, petitioner now affirms that: the son, whom was mistakenly identified (and attached) as property, being subject of cause, by plaintiff and the court (officers) and is also (implicitly) described as:

- a) the body or corpus of Kenneth Robert Bruce, as the named defendant, and
- b) the person of the defendant (as implied personally of estate), and
- c) the legal owner, personal representative and/or garnishee of named defendant.

Each of which are without justification and are mistaken and in error.

Rather, the named defendant is factually "intangible" property which is duly registered [as realty] as evidenced by registration receipt (see attached copy of certificate bearing registration number 129-364534) and belonging to, or part of, the estate of an intestate decedent, wherein probate and administration thereof remains for want, and wherein the respondent has given no legal notice of claim perfecting same.

Moreover, the son upon which the (original and ancillary) writ of attachment is levied, is not and does not belong to the named defendant; is not the personality of the defendant; nor is the legal owner, personal representative or garnishee of the named defendant.

Additionally the record in the above cause is for want of any other proper attachment of property legally belonging to defendant, or any return of notice by service of process upon the defendant's legal owner, personal representative, or garnishee.

And alternatively, the agreement obtained [by a third party/xx] to assume the identity of, accept service for, or undertake any fiduciary obligation on behalf of, the named defendant was consummated without legal authority and fraudulently compelled under threat of duress, and therefore lacks any binding authority over the named defendant, effectively nullifying any such agreement as void ab initio.

Wherefore absent any other property issued or executed attachment and other legal process (as required) the respondent and the court are deprived of necessary jurisdiction.

In consideration of the foregoing premises, your petitioners respectfully prays that your Honor's court find and decree the following:



That the application for writ of habeas corpus be granted, and decree that the (original and ancillary) writ of attachment be quashed and the levy thereunder be released and discharged, and that all costs incident to said cause be paid by the respondents,

That all conversions, interests, profits and accounts derived from above be decreed as res,

That any further, other and better relief be found and decreed as your Honor's court may find and determine as lawfully due petitioners, as well as all that equity, good reason and good conscience may dictate.

On this the 12<sup>th</sup> day of May, 2020, I, the undersigned, does now declare and make oath that the statements in the foregoing Application for writ of habeas corpus are of my own first-hand knowledge and are correct, accurate and true in both substance and fact.

Respectfully submitted,

a man: Kenneth-robins



a woman: Phung-bach



*Bill in support of application for writ of habeas corpus*

I, woman; Phuong-Bich; appearing as wife and next friend to a man, whom because of mistaken identity, has been unlawfully attached as the person of the defendant (property) in cause number 4:14-cr-0249 (in above caption), both hereafter referred to as "petitioners," now bring this bill in support of application for writ of habeas corpus so as to quash the writ of attachment in said cause and to release and discharge the levy thereunder, and to further compel the return of the man.

In support of said application, I incorporate the content therefrom, and in addition thereto further state that both the issuance and the execution of the writ of attachment, in above cause, are unlawful and defective and for want of proper complete service by attachment because the man whom was attached is not identified on the writ (execution) and is not the named defendant (issuance), nor is the person of the defendant (property) and likewise is not the legal owner, personal representative or guardian of the defendant (writ of service); and to also demonstrate evidence of a prior and superior right, by agreement, to the wrongfully attached in support of demand for return of same to your petitioner.

The premises of the bill, which includes a mistaken identity, is best described by including the historical reference to the origin of a man's appellation or family name, which goes back to the beginning (creation of man - biblical ref.) and directly associated with the land and its description, whereby man is described as being made from the dust [meaning earth or land] and to dwell upon the land. In time, a man became known by the characteristics or area of the land upon which he dwelled, thus giving rise to what became known as the clan or family name (eg: Jesus of Nazareth or Robin of the Hood - meaning forest).

Customarily, the right of succession to the land and to carry on the family name was passed from father to son as a type of inheritance or ritual directly, without administration, however evolution in the customs which govern those conveyances led to the process of registering said information as property, and describing said property (which is divided into two categories) in the registration of same in the form of a (grant) deed.

Since a family name originates of the land, and being represented as "realty", and the inclusion of the son's description at birth, as property detached therefrom, as personally. The description of the personally as first or 'personal' name, and together with the description of the realty as last or sir / family name were combined on the registration, and today such a deed being executed by the parents (grantors) upon the birth of the son (or heir) and delivered to the registrar (by application), and memorialized by a receipt of same which is commonly known as a "birth certificate".

The conveyance of said deed to said property to a registrar (as custodian) thereby creating an estate which is available [descent] by or to the son by making a proper claim (in the nature of probate) upon reaching the 'legal' age and being sui juris. However in many instances the heir never makes his rightful claim (due to ignorance of right or other) and continues his entire life without ever obtaining the legal title as granted by the parents.

In the more recent past, a man who properly claimed his right (of inheritance) to said property, not only became vested with 'legal' title, but in certain customs is also honored as a 'peer' with status and recognition (standing) for properly acquiring same.

Continuity, a man, of legal age, whom is not possessed or claimed legal title, although sui juris, is by definition, identified as "mister" (or Mr.) and whom is described as "a man without legal title, honor, or distinction," and the term being well used and commonplace today.

Therefore, as in this matter, a man, being a mister [and same momentarily recognized by the court] is without a recognized or registered claim (a garnishee) to the legal ownership of the property (as named defendant), and having attained the age of majority, and not under the direction or control of a guardian as personal property (personally) of said estate/family, thus being independant, sui juris.

With regard to the instant matter, and in light of the above, it would be (and is) the proper procedure for any lawful claims by creditor, guardian or others, to make notice and service upon the proper parties as the legal owner as well as the custodian of said property (same in this case) along with any attachment sought.

In this matter, the respondents brought a claim (by draft), as the basis of cause number 4:14-cv-0249 (in caption above) and sought an attachment (of unrelated/claimed property) so as to compel payment or fulfillment of that claim. Wherefore, your petitioner, without touching the merits of that claim addresses the unlawfulness of the writ of attachment due to fatal defects in the issuance and execution thereof.

Firstly, the writ was unlawfully issued -

Anyone (bringing a claim) seeking an attachment of property of another, has a dutiful obligation to thoroughly research the title of the property sought for attachment so as to identify its legal owner, personal representative or garnishee and include same on the writ for notice, and to provide a bond, ~~as~~ surety, (not evidenced or provided) as security to cover loss and other expenses incurred by the true owner for



prosecuting a claim for the wrongful seizure, if it turns out that the interests (ownership) in said property actually belong to another (third party).

Additionally, in this matter, the property as the named defendant is of an 'intangible' nature wherein its deed (or title) remains with and in possession of the registrar and without claim or descent (by an heir), same evidenced by certificate of ~~no~~ record (copy attached herewith) indicating no lawful claim or administration (by heir or other); and further evidencing that the respondents have made no proper notice of process upon the legal owner (as required) or made no registered claim evidencing a basis for attachment, with the court and delivering same to the legal title owner/holder, thereby making the issuance of an attachment on "intangible" property [of estate] wholly improper and deficient by omitting the necessary legal parties and property descriptions. An unlawful claim on the basis of an attachment which entirely lacks a proper legal description of the property and its legal owner, and same omitted from the writ makes the writ fatally defective and therefore unlawfully issued.

Secondly, the writ was unlawfully executed -

To convert most any negotiable instrument into public currency requires collateral (or a bond). Respondents created a draft [entitled 'indictment'] (without any legal basis or authority) against the property of said estate, identified as "Kenneth Robert Bruce" (used in several variations), however said property being 'intangible' also requires an attachment of related 'property' [personalty] as collateral for conversion and to compel payment or performance of said draft. And respondents, without researching the title records to determine who the legal owner, personal representative or guardian is, simply executed said writ against your petitioner, a mister,

whom holds no legal title or fiduciary relationship, nor exists as property as, or of, the named defendant. Respondents in executing said writ and seizing same upon your petitioner by surprise, false arrest, terroristic threat causing duress, and while under said coercion your petitioner was compelled to mistakenly and accidentally assume the identity of property as person[alty] of the defendant. As your petitioner is not the property of, nor legal owner, personal representative, or garnishee, nor agreed to be collateral or surety for the named defendant (and no records evidencing the contrary), and said agreement being involuntarily and fraudulently compelled, the execution of the writ of attachment is not only in error, but what was obtained by fraudulent means makes not only the writ unlawful and fatally defective, but akin to a criminal act, executed solely as subterfuge for obtaining collateral (as surety) for the conversion of a [forged] draft.

The process of attachment is intended for the sequestration of a man's property for the purpose of compelling payment of a debt in relation thereto, however through fraud and deception respondents inverted the process by attaching and compelling a man into assuming the identity of property, solely to secure the conversion and payment of a [forged] draft; same also being a process which closely resembles indentured servantry and or debtor's prison which was deemed unlawful and abolished many years ago.

Therefore, your petitioner, a man, without legal title, is caught in a bind, and whom is now compelled into or as false identity of property, and without schooling in the science of the law or its process, and is also without proper status and standing, is seemingly disabled (legally) due to circumstances and is challenged with great difficulty or impossibility in ability so as to avail himself of the imposition now

causing irreparable injury and loss, thereby necessitating the aid of a next friend.

Petitioner, while not only appearing as next friend, and also appearing as wife; a woman, whom holds (by marriage) an exclusive contractual interest (see certificate evidencing same - copy attached) that precludes respondents claim; and whereby affirming that respondents unlawfully attached (without notice or legal service) said man from the lawful custody of petitioner. And further affirms that said interests are cognizable as both a legal interest in the defendant, and by pledge (of duty and possession - to have and to hold until death) of the man (voluntarily and promised) demonstrates an equitable interest owed to your petitioner [in including but not limited to husbandry, labor, earnings, protection, and other, etc] of which is now wrongfully and unlawfully enjoyed by respondents.

Petitioners in bringing said bill and application for writ of habeas corpus rely on both simple and basic principles of law and equity and clarify same with consideration of the following syllogistic enumeration:

I. That the named defendant, in said attachment, is lawfully registered property of an "intangible" nature, which necessarily requires that any attachment on same be levied upon the registered legal owner, and in the record of said cause, any evidence of same, or upon any other interested parties ... remains for want, thereby causing the true owner's property (or man) to "be condemned without a chance to be heard."

II. That the man attached as property of the defendant, is not property or personalty of the defendant, nor the legal owner, personal representative, or garnishee of the defendant [estate], therefore no lawful attachment occurred, and that whom was attached, now continues in unlawful possession, thereby allowing respondents "to take advantage of their own wrong."



III. That the issuance of said writ of attachment lacks a proper legal description of the property (as intangible) further requiring a description of the registered legal owner (for notice of service and levy) and for identification of the parties from whom to attach or levy said property; absent necessary legal descriptions, and evidence of both legal and equitable titles, and same being a necessary and required component, and while although appearing "to impute an intent to fulfill an obligation", however being absent of requisites, the issuance of said writ is fatally defective and therefore unlawful.

IV. That in the execution of said writ of attachment, wherein the man whom upon the levy was executed, is not property of the defendant, nor holds any legal ownership or fiduciary responsibility for the named defendant; and anyone making an agreement without legal title (or interests) and without any consideration and compelled by terroristic threat and duress, is the definition of fraud, and any agreement obtained by fraud (for the purpose of assuming a false identity so as to enable conversion of a draft) in execution of an attachment by same is fatally defective, and so "enforcing good reason and good conscience" evidences a requirement "to undo what fraud has done."

V. That respondent has not attached any legal or equitable property of the defendant, nor delivered to ~~the~~ the legal owner (or others) any proper notice of process as required to completely affect service by attachment, whereby vitiating all proceedings occurring thereafter, and as long as respondent remains in wrongful possession, your petitioner continues to "suffer a right to be without a remedy."

VI. That an agreement (made under seal) to your petitioner (by marriage) provides/evidences a prior and superior interest in all related property of, or owing to, a man, and in light of the magnitude of the



interference inflicted by respondents requires redress by "specific acts, not by way of compensation."

Petitioner affirms that because all necessary requirements due by respondents in connection with said writ, and that same was issued and executed unlawfully, and because that the property, unlawfully and fraudulently attached by mistake of identity, does not belong to the defendant, therefore asserts that "when one of two must suffer a loss, he who occasioned the loss should suffer"; and because unlawful and defective writ is causing irreparable injury and loss, it is clearly evident that said writ of attachment should be quashed, and the levy thereunder be released and discharged, the man exonerated, and all related property be returned to petitioner as lawful claimant [wife] wherefore "enforcing the rights to property" as identified in a prior and superior agreement, and other as due.

Wherefore, upon consideration of the premises and all related principles, your petitioner respectfully prays that your Honor's court:

Grant the application for writ of habeas corpus in the above cause, and further decree that the writ of attachment [both original and ancillary] be quashed, and the levy thereunder be released and discharged,

That the man wrongfully attached (and made surety) be exonerated, and returned to petitioner without delay.

That all property related to, and all proceeds, obtained, possessed or derived from wrongful attachment be decreed as res, and disgorged from respondents, and a full account be made thereof,

That your Honor find and decree any and all better, and further, and other relief as may be owed to petitioners and others lawfully entitled which would be equitable, just and in good reason and good conscience.

Whereas on this the 12<sup>th</sup> day of May, two thousand twenty, the undersigned, appearing as your petitioners, do hereby affirm and now make oath that the foregoing statements made in herein are of my own first hand knowledge, and are correct, accurate and true in both substance and fact.

affirmed and respectfully submitted,

a man: kenneth-robin



a woman: phung-bich



Oath in support of

Bill in support of application for writ of habeas corpus

On this the 12<sup>th</sup> day of May, two-thousand twenty, the undersigned, does now affirm and makes oath that the statements in the foregoing instrument are made to the best of my own first hand knowledge, and believe that same are correct, accurate and true in both substance and fact, and will affirm same in open court if called upon to do so.

affirmed and subscribed by:

: Kenneth-Robert : of the Bruce-family

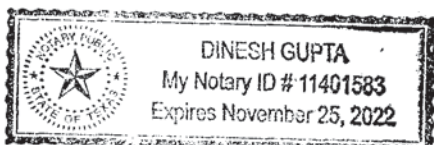
Phung-Binh :

Jurat

State of Texas }  
County of Harris } s.s.

On this the 12 day of May, 2020, before me, a duly authorized Notary Public for Texas, did appear as, and affirm to be the person subscribed on the instrument above.

Notary seal:



Dinesh Gupta

Notary signature:

*Affidavit of service*

On this the 12<sup>th</sup> day of May, 2020, the undersigned does hereby declare and affirm that a true and correct copy of the foregoing instruments, are caused to be delivered to the parties named hereunder by way of prepaid service first-class mail or greater as may be determined.

*Respondents:*

- U.S. Attorney for the Southern District of Texas, Ryan K. Patrick;
- Warden for Federal Bure. of Prisons, Secor Mat;
- U.S. Attorney General, William P. Barr

I hereby affirm that I caused the foregoing respondents to be sent a copy of the attached instrument(s).

*: phony - back :* \_\_\_\_\_